

### **REMARKS**

The non-final Office Action mailed June 25, 2009 has been carefully reviewed and these remarks are responsive to that office action. Claims 1-21 and 23-34 are currently pending. The applicants appreciate the statement in the Office Action that claims 2, 5, 6, 8-10, 13-21 and 23-34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office Action, and to include all of the limitations of the base claim and any intervening claims. By this Response, the features of claim 27 have been incorporated into claim 1, and claim 27 has been cancelled.

#### **Specification**

The specification as originally filed and claim 8 have been amended so that rayon, nylon, and sisal are appropriately identified with lower case letters as they are not trademarks, but instead are generic designations well known to those of skill in the art.

#### **Claim Rejections – 35 USC 112 (2<sup>nd</sup> paragraph)**

Claims 1-21 and 23-34 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Office Action stated that claim 1 is indefinite because it is unclear whether the zeolite types following “in particular” are positively recited as limiting the zeolite, or if all faujasites are being claimed. The Office Action stated that “[f]or examination it is assumed that the broad faujasites are not further limited.” The Office Action stated that claims 2-21 and 23-34 were rejected as being indefinite for depending from a rejected parent claim.

Claim 1 has been amended to now claim “a) mixing of at least one faujasite zeolite powder with a clay type binder, an inorganic phosphorous salt, and water, the faujasite zeolite powder selected from the group consisting of zeolite 13X powder and a zeolite LSX powder, and combinations thereof,.... ” In view of this amendment, it is respectfully submitted that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

### **Claim Rejections – 35 USC 102**

Claims 1, 3, 7 and 11-13 were rejected under 35 U.S.C. 102(b) as being anticipated by the European Patent Application (EP 0403141). As noted above, claim 1 has been amended to now claim “a) mixing of at least one faujasite zeolite powder with a clay type binder, an inorganic phosphorous salt, and water, the faujasite zeolite powder selected from the group consisting of zeolite 13X powder and a zeolite LSX powder, and combinations thereof....” EP ‘141 does not disclose at least these features of claim 1. These features that have been incorporated into claim 1 were previously claimed in dependent claim 27, which the Office Action acknowledged would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office Action, and to include all of the limitations of the base claim and any intervening claims. In view of the foregoing, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn. Claims 3, 7, and 11-13, which depend from claim 1, are not anticipated by EP ‘141 for at least the same reasons.

### **Claim Rejections – 35 USC 103**

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over EP ‘141. As noted above, EP ‘141 does not teach “a) mixing of at least one faujasite zeolite powder with a clay type binder, an inorganic phosphorous salt, and water, the faujasite zeolite powder selected from the group consisting of zeolite 13X powder and a zeolite LSX powder, and combinations thereof....” as now claimed in claim 1, as amended. Claim 4 depends from claim 1, and is thus patentable over EP ‘141 for at least the same reasons that claim 1, as amended, is patentable over EP ‘141.

### **Conclusion**

It is respectfully submitted that the rejection have been overcome, and that claims 1-21 and 23-34 are not in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is deemed necessary to facilitate prosecution of the application.

Respectfully submitted,

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